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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

Conservatorship of the Person of Craig W.,

SAN DIEGO COUNTY HEALTH AND  
HUMAN SERVICES AGENCY

Petitioner and Respondent,

v.

CRAIG W.,

Objector and Appellant.

D062323

Super. Ct. No. MH107289)

APPEAL from an order of the Superior Court of San Diego County, Frederick Maguire, Judge. Appeal dismissed.

Craig W. appeals an order denying his request for modification of an order establishing a conservatorship of his person under the Lanterman-Petris-Short Act (LPS

Act) (Welf. & Inst. Code, § 5000 et seq.). Citing *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), *Anders v. California* (1967) 386 U.S. 738 (*Anders*) and *Conservatorship of Ben C.* (2007) 40 Cal.4th 529 (*Ben C.*), his appointed counsel has filed a brief, stating he is unable to find any arguable appellate issues and asking that we independently review the record to determine whether there are any arguable appellate issues. Pursuant to *Anders*, counsel identifies as a possible, but not arguable, issue whether substantial evidence supported the trial court's denial of Craig's requests to terminate the conservatorship or to place him in a less restrictive setting. In response to our invitation, Craig has filed a supplemental brief that challenges certain of the factual statements set forth in psychiatrist Robert Zalewski-Zaragoza's written recommendation and in the investigative report; the supplemental brief does not, however, make any argument or challenge as to the trial court's order.

In *Ben C.*, the California Supreme Court concluded that *Wende* and *Anders* procedures are not mandated in an appeal of a judgment for a conservatorship of the person under the LPS Act. A similar analysis is equally applicable to the denial of a request to modify a prior conservatorship judgment or order. Under the rationale of *Ben C.*, we decline to exercise our discretion to review the record for error. We have, however, reviewed the brief submitted by Craig's counsel, including his *Anders* issue.

DISPOSITION

The appeal is dismissed.

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IRION, J.

WE CONCUR:

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BENKE, Acting P.J.

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McDONALD, J.